

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

BARBARA CRIM,

*Plaintiff,*

v.

HARTFORD FIRE INSURANCE  
COMPANY,

*Defendant.*

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CIVIL ACTION NO. 4:17-cv-00428

**NOTICE OF REMOVAL**

Defendant Hartford Fire Insurance Company ("Defendant" or "Hartford") files this Notice of Removal and, in support thereof, would show the Court as follows:

1. On May 23, 2017, Plaintiff Barbara Crim ("Plaintiff") filed her Original Petition (the "Petition") in Cause Number 366-02386-2017, in the 366th Judicial District Court of Collin County, Texas. Defendant was served on May 26, 2017 and filed its answer on June 15, 2017. Hartford Fire Insurance Company did not issue the insurance policy as alleged in Plaintiff's Original Petition and should be dismissed. The correct entity that issued the Hartford insurance policy is Hartford Lloyd's Insurance Company. Hartford Lloyd's Insurance Company consents to appear in this case without requiring a separate service of citation and joined in the answer filed in state court.

2. Pursuant to 28 U.S.C. § 1446(a) attached hereto are copies of all process, pleadings and orders served upon Defendant and all pleadings and orders in the

removed case. In particular: (i) an index of the matters filed herewith is attached as Exhibit A; (ii) a copy of the citation and executed service return is attached as Exhibit B; (iii) a copy of the Plaintiff's petition is attached as Exhibit C; (iv) a copy of Defendant's answer is attached as Exhibit D; (v) a copy of the docket sheet in the state court action is attached as Exhibit E; (vi) a list of all counsel of record, including addresses, phone numbers, and the parties represented is attached as Exhibit F; and (vii) an Affidavit of Lisa Levin attached as Exhibit G.

3. This notice of removal is timely filed under 28 U.S.C. §1446(b) because it is filed within thirty days after Defendant first received a copy of a paper from which it could first be ascertained that the case is one which is or has become removable; *i.e.*, Plaintiff's Original Petition.

4. The claims asserted against Defendant are civil actions over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332. At the time this action was commenced, Plaintiff was, and still is a citizen of the State of Texas because she is an individual resident of Texas. Defendant was, at the time this action was commenced, and still is, a citizen of the State of Connecticut because it is incorporated under the laws of the State of Connecticut and has its principal place of business in Connecticut.

For its part, Hartford Lloyds is a "Lloyd's Plan" organized under Chapter 941 of the Texas Insurance Code. A Lloyd's Plan is an unincorporated association of underwriters who sell insurance through an attorney-in-fact or other representative.<sup>1</sup>

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<sup>1</sup> TEX. INS. CODE §§ 941.001, 941.051-941.052; *Salazar v. Allstate Tex. Lloyd's, Inc.*, 455 F.3d 571, 572 n.1 (5<sup>th</sup> Cir. 2006); *Royal Ins. Co. of Am. v. Quinn-L Capital Corp.*, 3 F.3d 877, 882 (5<sup>th</sup> Cir. 1993), *cert. denied*, 511 U.S. 1032 (1994).

The citizenship of a Lloyd's Plan insurer, like all unincorporated associations, is determined by the citizenship of its members.<sup>2</sup> Hartford's underwriters are citizens of the states of Connecticut and Illinois.<sup>3</sup> Thus, Hartford is a citizen and resident of the states of Connecticut and Illinois for purposes of diversity. Thus, complete diversity of citizenship exists.

5. The amount in controversy exceeds \$75,000 as stated in Plaintiff's Petition.

6. The one-year statute of limitation on removal of diversity cases imposed by 28 U.S.C. § 1446(b) does not prevent removal because this action was commenced less than one year ago.

7. Notice to State Court. Pursuant to 28 U.S.C. § 1446(d), Defendant intends to serve written notice of this removal on the state court promptly after filing this Notice of Removal.

FOR THESE REASONS, Defendant hereby effectuates removal of this cause to this Court.

Respectfully submitted,

/s/ Laura J. Grabouski

Laura Grabouski

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<sup>2</sup> *Royal Ins. Co. of Am.*, 3 F.3d at 882; *Cronin v. State Farm Lloyds*, No. H-08-1983, 2008 WL 4649653, at \*2 (S.D. Tex. Oct. 10, 2008); *Massey v. State Farm Lloyd's Ins. Co.*, 993 F. Supp. 568, 570 (S.D. Tex. 1998).

<sup>3</sup> Exhibit G, Affidavit of Lisa Levin.

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**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the above and foregoing document was served on counsel of record below via electronic mail on June 16, 2017.

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/s/ Laura J. Grabouski

Laura J. Grabouski